

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2006 OCT 31 AM 9:08

DAVID E. BARBER,
Plaintiff,

v.

SAINT GOBAIN PERFORMANCE
PLASTICS CORPORATION,
Defendant

Civil Action No. 1:04-CV-106

BY AW CLERK
DEPUTY CLERK

JOINT MOTION TO AMEND ORDER OF DISMISSAL

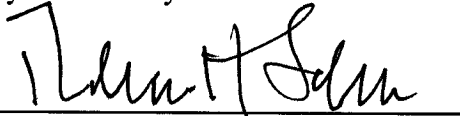
1. After receiving a report from the parties that this matter was resolved by agreement of the parties, on September 15, 2006 this Court entered an Order of Dismissal "with the right to petition to reopen the action, upon good cause shown within 60 days, if settlement is not consummated."
2. The parties have diligently worked cooperatively toward a final resolution of the case, have reduced the final agreement to a writing which has already been executed by the Plaintiff and delivered to Defendant's counsel. The parties reasonably believe that they will need another thirty (30) days for the final instruments to be exchanged in order to bring this matter to finality.

3. Accordingly, the parties respectfully request that the Order of Dismissal of September 15, 2006 be amended to give the parties 90 days from September 15, 2006 to reopen the action upon good cause shown.

Respectfully submitted,

DAVID E. BARBER

By his attorney:



Thomas H. Somers
Hoff Curtis
100 Main Street
P.O. Box 1124
Burlington, VT 05402-1124
(802) 864-6400

Dated: October 30, 2006

SAINT-GOBAIN PERFORMANCE
PLASTICS CORPORATION

By its attorneys:



Andrew C. Pickett (Vt. Lic. No. 1970)
Jackson Lewis LLP
75 Park Plaza
Boston, Ma 02116
(617) 367-0025

Dated: October 30, 2006

APPROVED and SO ORDERED:

Date: _____

U.S. District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

DAVID E. BARBER,

PLAINTIFF

v.

SAINT-GOBAIN PERFORMANCE
PLASTICS CORPORATION

DEFENDANT

CIVIL ACTION

DOCKET NO. 1:04-CV-106

CERTIFICATE OF SERVICE

This is to certify that a copy of the below-listed materials were served on all counsel of record in this case by having placed same in the U.S. Mail, First Class postage pre-paid, addressed to Andrew C. Pickett, Jackson Lewis LLP, 75 Park Plaza, Fourth Floor, Boston, Massachusetts 02116-3934:

1. Joint Motion to Amend Order of Dismissal; *and*
2. This Certificate of Service.

DATED AT Burlington, Vermont, this 30TH day of October, 2006.



Thomas H. Somers, Esq.

Attorney for Plaintiff

HOFF CURTIS

P.O. Box 1124

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Hoff, Curtis, Pacht,
Cassidy, Frame,
Somers & Katims, P.C.

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